

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

TRADERS INTERNATIONAL, LTD.,
Plaintiff,

vs.

DAVID SCHEUERMANN,
Defendant.

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CIVIL ACTION H-06-1632

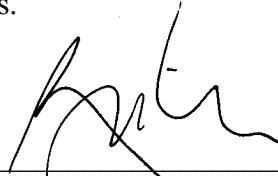
ORDER

Before the court is plaintiff Traders International, Ltd.'s application for a temporary restraining order and request for a preliminary injunction (Dkt. 11).

A court may grant a temporary restraining order pursuant to Federal Rule of Civil Procedure 65(b). That rule provides that the court may issue an *ex parte* restraining order upon a clear showing of "immediate and irreparable injury, loss, or damage." FED. R. CIV. P. 65(b). In addition, the applicant's attorney must certify "to the court in writing the efforts, if any, which have been made to give the notice and the reasons and the reasons supporting the claim that notice should not be required." *Id.* The plaintiff has not made any certification that it has attempted to give defendant David Scheuermann notice nor explained why notice should not be required. The plaintiff's application for a temporary restraining order is DENIED.

A hearing on plaintiff's request for a preliminary injunction is set for August 24, 2006, in Courtroom 8B at 2 pm. Defendant's response to the plaintiff's request for a preliminary injunction will be filed by August 21, 2006.

Signed on August 14, 2006, at Houston, Texas.



Gray H. Miller
United States District Judge